

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

VERY REVEREND GEORGES F. de
LAIRE, J.C.L.,

Plaintiff,

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT, and MARC BALESTRIERI

Defendants.

CIVIL ACTION NO. 1:21-cv-00131-JL

AFFIDAVIT OF SUZANNE M. ELOVECKY, ESQ.
IN SUPPORT OF PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE

I, Suzanne M. Elovecky, being of legal age and having been duly sworn, depose and say as follows:

1. I am a partner with the law firm Partridge Snow & Hahn LLP located at 30 Federal Street, Boston, Massachusetts. My firm represents the Plaintiff the Very Reverend Georges F. de Laire in the above-captioned matter.
2. I am duly admitted to practice in the Commonwealth of Massachusetts, commencing in 2007.
3. I have been admitted to the above-referenced matter through a motion for pro hac vice admission.
4. The facts provided in this Affidavit are true and correct to the best of my knowledge and if called as a witness, I would and could testify to these facts.
5. In the fall of 2021, this office began efforts to serve Defendant Marc Balestrieri with a subpoena for documents.

6. As a first attempt, I instructed a process server to attempt to serve Mr. Balestrieri at the business address listed on his business website. See <https://www.canonicalaid.org/about-us.html> (last visited on 9/9/2022) listing Marc Balestrieri as the Founder and President of Canonical Aid; see <https://www.canonicalaid.org/contact.html> (last visited on 9/9/2022) listing the business address for Canonical Aid as 2858 University Avenue, No. 251, Madison, Wisconsin, 53705.

7. Upon attempting service, the process server informed my staff that the location was not “Canonical Aid,” but rather a UPS store. Service was not effectuated.

8. Subsequently, my office called Canonical Aid on November 29, 2021 to inquire about an alternative address. The woman who answered the phone refused to provide an address, but took our phone number and said she would call back. The call was not returned.

9. Subsequently my office called Canonical Aid a second time and again inquired about an alternative address. This time, the person who answered the phone provided the address of 150 South 5th Street, Minneapolis, MN 55402.

10. After someone at Canonical Aid provided that address to my office, a man from Canonical Aid called my office back to say that the address was “incorrect,” and to again provide the Madison, Wisconsin address. See, *supra*, ¶ 6.

11. A process server attempted service at the Minnesota address on December 10, 2021. However, upon arrival, the process server discovered that the building in Minneapolis housed the law firm Mohrman, Kaadal & Erickson, P.A. The process server spoke with someone at that firm, who informed him that Balestrieri worked there in the past, but no longer had an office there.

12. On December 14, 2021, my office called the law firm to inquire as to any information they may have concerning Mr. Balestrieri’s whereabouts. Attorney Gregory Erickson informed my office that Balestrieri had previously rented office space from the firm, but they did not know where Balestrieri was at that time. Attorney Erickson asked my office to

share any information concerning Mr. Balestrieri's whereabouts if we obtained said information, because Mr. Balestrieri has reportedly not paid his rent.

13. Subsequently, I contacted Attorney Kathleen Klaus, counsel for the Defendants as of December 2021 (which did not include Mr. Balestrieri), and asked for further contact information concerning Mr. Balestrieri, whom Defendants had disclosed on their initial disclosures as a person with knowledge concerning the case. Attorney Klaus represented that she did not have further address information.

14. I then engaged, on Plaintiff's behalf, a private investigator in Massachusetts to assist in our attempts to locate Mr. Balestrieri.

15. The Massachusetts investigator was not able to obtain further information through online searches. While the investigator located one old address, it was learned that the address was for a long stay hotel, and not a home.

16. The Massachusetts investigator stated that their options had been exhausted and recommend that Father de Laire hire an investigator in Michigan or Wisconsin who can put "boots on the ground" to attempt to locate Mr. Balestrieri.

17. On June 13, 2022, Father de Laire's motion to amend the complaint was allowed. Immediately thereafter, my office initiated the process to serve Mr. Balestrieri by mail, as permitted by the New Hampshire rules.

18. As an initial step, we served the New Hampshire Secretary of State with the summons and complaint, in hand, by a New Hampshire Sheriff. See Exhibit A to Motion for Alternative Service, Affidavit of Service dated June 30, 2022. Upon receipt of the Affidavit of Service, my office sent Mr. Balestrieri the summons, complaint, and affidavit of service via Registered Mail, consistent with Federal Rules of Civil Procedure, Rule 4(e)(1) and the New Hampshire Revised Statutes, Annotated, § 510:4. See July 8, 2022 correspondence from Elovecky to Balestrieri.

19. Review of the tracking information showed that the mail was delivered to Mr. Balestrieri, following delays within the United States Postal Service, on July 22, 2022.

20. On September 2, 2022, my office received the attached returned mail stating that the package was not deliverable. See Exhibit G to Motion for Alternative Service.

21. While awaiting the return of the registered mail receipt, Father de Laire, through my office, continued his efforts to locate Mr. Balestrieri in order to serve him.

22. First, Father de Laire hired an investigator in Michigan. That investigator searched multiple available records, including car registrations in all 50 states. There were no records evidencing that Mr. Balestrieri has ever owned a motor vehicle.

23. The investigator also searched for addresses for Mr. Balestrieri and identified the same long-stay hotel that the prior investigator had located. The investigator went to the hotel, reviewed the vehicles and their registrations, and determined that none were associated with Mr. Balestrieri. He further spoke with the hotel management and obtained no further information about Mr. Balestrieri.

24. On August 2-3, 2022, a conference was held in Lacrosse, Wisconsin, on matters involving Canonical Law, and Father de Laire shared with my office that he believed Mr. Balestrieri may attend said conference.

25. I engaged a process service, through a national service, to be present at said conference. The Michigan investigator similarly engaged a process server to attempt service at the conference.

26. Neither investigator was successful in serving Mr. Balestrieri, as evidenced in their affidavits. See Exhibits D (Affidavit of Process Server J. Haldeman) and E (Affidavit of Process Server J. Erickson) to Motion for Alternative Service.

27. At the conference, Mr. Balestrieri evaded service by both process servers.

28. On August 2, 2022, after Mr. Balestrieri evaded service by two process servers, I called two (2) phone numbers provided to me by Attorney Klaus. The first phone number was disconnected. The second was answered by an answering service. I spoke with a woman at the answering service, and provided my name, my phone number, and my email address. In response to her question concerning the purpose of my call, I told her I wished to speak with Mr.

Balestrieri concerning pending litigation. She put me on hold and returned to the call to tell me that Mr. Balestrieri was not available. I asked her to have him call me. He never returned my call.

29. Subsequently, on August 12, 2022, I emailed Mr. Balestrieri, attaching the summons and complaint, as well as a waiver of service. See August 12, 2022, email, attached to Motion for Alternative Service as Exhibit F. Mr. Balestrieri did not respond to that email at any time. I further did not receive any failure messages suggesting that Mr. Balestrieri did not receive said emails.

SIGNED under the penalties of perjury this 9th day of September, 2022.

Suzanne M. Elovecky
Suzanne M. Elovecky (*pro hac vice*)

4333056.1/30590-2